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Jeyhan Karaoguz

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

RYAN, PATRICK A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,193	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in response to Preliminary Amendment and Request for Continued Examination Under 37 CFR 1.114 ("Reply"), filed August 10, 2009.

Applicant has amended Claims 1, 7, 13, and 21; has added Claims 31-36; and no claims have been canceled. As amended, Claims 1-36 are presented for examination.

2. In Office action of May 20, 2009 ("Office Action"):

Claims 1 through 30 were rejected under 35 U.S.C. 102(e) as being anticipated by Boylan, III et al., United States Patent (6,766,956 B1).

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2009 has been entered.

Response to Arguments

4. Applicant's arguments, see Reply pages 14-18, with respect to Claims 1, 7, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan, III et al., United States Patent (6,766,956 B1) hereinafter "Boylan" in view of Garneau et al. United States Patent (5,675,647) hereinafter "Garneau".

7. In regards to Claim 1, Boylan teaches a method for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home (as introduced in Col. 9 Line 37—Col. 10 Line 27 and generally shown in Figs. 4 and 5; with further reference to Col. 2 Lines 18-23 and Figs. 7-15), the method comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences ("codes", as defined in Col. 1 Lines 46-65, such as a bar-code, are associated with media from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64);

receiving one of said plurality of key sequences via manual input within the home (operations can be performed "while at home" and "within the home", as described in

Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27); and

communicating said one of said plurality of media files to the home, for display on the television screen (Steps 508-512 as described in Col. 10 Lines 7-27, where types of “information” and “actions” are described in Col. 2 Lines 42-64; with further reference to Col. 11 Line 39—Col. 12 Line 52).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not explicitly describe authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and communicating a media file if said communication is authorized.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan’s system unconditionally distributes the promotional content to the user in

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response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

8. In regards to Claim 2, the combination of Boylan and Garneau teach the method according to Claim 1, comprising determining whether said received one of said received plurality of key sequences is associated with an existing function for media exchange (Boylan: Step 704 of Fig. 7, depicting a determination if code is stored in remote Database 114, as described in Col. 10 Line 59—Col. 11 line 10).

9. In regards to Claim 3, the combination of Boylan and Garneau teach the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, requesting at least one media file associated with said existing function for media exchange (Boylan: Step 706 of Fig. 7, depicting the retrieval of information associated with the code from Database 114, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

10. In regards to Claim 4, the combination of Boylan and Garneau teach the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, receiving at least one media file associated with said existing function for media exchange (Boylan:

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Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

11. In regards to Claim 5, the combination of Boylan and Garneau teach the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, displaying at least one media file associated with said existing function for media exchange (Boylan: Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15).

12. In regards to Claim 6, the combination of Boylan and Garneau teach the method according to Claim 1, comprising notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange (Boylan: the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).

13. In regards to Claim 31, the combination of Boylan and Garneau teach the method according to Claim 1, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange (Garneau teaches authorizing access to pay per view content, as described in Col. 5 Lines 61-67 and suggests other services, such as banking, as described in Col. 1 Lines 42-47).

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14. In regards to Claim 32, the combination of Boylan and Garneau teach the method according to Claim 31, comprising accessing media information related to said existing function for media exchange using said associated plurality of key codes (Boylan teaches accessing a movie trailer associated with the code, as described in Col. 15 Lines 22-50).

15. In regards to Claim 33, the combination of Boylan and Garneau teach the method of Claim 31, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange based on a payment of a fee (Garneau teaches billing users for requested pay per view content by way of Billing Unit 39, as described in Col. 8 Lines 38-47).

16. In regards to Claim 7, Boylan teaches a machine-readable storage having stored thereon, a computer program having at least one code section for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home, the at least one code section being executable by a machine for causing the machine (Docking Station 130 of Figs. 2A and 2B, as described in Col. 6 Line 34—Col. 8 Line 9, performing the process as introduced in Col. 9 Line 37—Col. 10 Line 27 and generally shown in Figs. 4 and 5; with further reference to Col. 2 Lines 18-23 and Figs. 7-15) to perform steps comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences (“codes”, as defined in Col. 1 Lines 46-65, such as a bar-code, are

associated with media from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64);

receiving one of said plurality of key sequences via manual input within the home (operations can be performed “while at home” and “within the home”, as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27); and

communicating said one of said plurality of media files to the home, for display on the television screen (Steps 508-512 as described in Col. 10 Lines 7-27, where types of “information” and “actions” are described in Col. 2 Lines 42-64; with further reference to Col. 11 Line 39—Col. 12 Line 52).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not explicitly describe authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and communicating a media file if said communication is authorized.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is

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provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

17. The limitations of Claim 8 are addressed in Claims 7 and 2.
18. The limitations of Claim 9 are addressed in Claims 7 and 3.
19. The limitations of Claim 10 are addressed in Claims 7 and 4.
20. The limitations of Claim 11 are addressed in Claims 7 and 5.
21. The limitations of Claim 12 are addressed in Claims 7 and 6.
22. The limitations of Claim 34 are addressed in Claims 7 and 31.
23. The limitations of Claim 35 are addressed in Claims 7 and 32.
24. The limitations of Claim 36 are addressed in Claims 7 and 33.

25. In regards to Claim 13 Boylan teaches a method for providing media content, the method comprising:

receiving a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party provider of media, said key code corresponding to at least one key sequence, and said key code associated with said media program ('NO' determination at Step 704 when code received from user at Step 702 is not stored in Database 114, as described in Col. 10 Line 59—Col. 11 line 10), and said key sequence received via manual input within a home (as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

communicating one or both of said key code and data representative of said key code to said third (3rd) party media provider (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10); and

in response to said communicated one or both of said key code associated with said media program and data representative of said key code, receiving media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider (Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not

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explicitly describe receiving a media file if authorized using one or both of said key code and data representative of said key code.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

26. In regards to Claim 14, the combination of Boylan and Garneau teach the method according to Claim 13, comprising determining whether said key code is associated with an existing media exchange function (Boylan: Step 704 of Fig. 7,

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depicting a determination if code is stored in remote Database 114, as described in Col. 10 Line 59—Col. 11 line 10).

27. In regards to Claim 15, the combination of Boylan and Garneau teach the method according to Claim 14, comprising, if said key code is associated with said existing media exchange function, requesting said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider (Boylan: If data is stored at Database 114, then in Step 706 of Fig. 7 the retrieval of information associated with the code is executed, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64)

28. In regards to Claim 16, the combination of Boylan and Garneau teach the method according to Claim 14, comprising, if said key code is unassociated with said existing media exchange function, initiating the creation of a new media exchange function corresponding to said key code (Boylan: Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10).

29. In regards to Claim 17, the combination of Boylan and Garneau teach the method according to Claim 13, comprising transferring said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider to a media processing system (Boylan: Steps 708 to 710 of Fig. 7 where requested information is sent to the user from third party, as

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described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

30. In regards to Claim 18, the combination of Boylan and Garneau teach the method according to Claim 13, comprising presenting at least a portion of said received media content corresponding to said key code and said at least one media exchange function to said user (Boylan: Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15).

31. In regards to Claim 19, the combination of Boylan and Garneau teach the method according to Claim 13, comprising displaying at least a portion of said received media content corresponding to said key code and said at least one media exchange function on a television screen of said media processing system (Boylan: Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15 and Output Device 210 such as a television monitor, as described in Col. 7 Lines 15-28).

32. In regards to Claim 20, the combination of Boylan and Garneau teach the method according to Claim 13, comprising notifying a user of availability of said key code associated with said media program generated by said third (3rd) party media provider (Boylan: the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).

33. In regards to Claim 21, The combination of Boylan and Garneau teach a system for providing media content (generally shown in Fig. 1, as introduced in Col. 5 Line 39—Col. 6 Line 33), the system comprising:

at least one processor (Remote Site 110 of Fig. 1, as described in Col. 5 Line 50—Col. 6 Line 33) operable to receive a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party media provider, said key code corresponding to at least one key sequence, said key code associated with said media program ('NO' determination at Step 704 when code received from user at Step 702 is not stored in Database 114, as described in Col. 10 Line 59—Col. 11 line 10), and said key sequence received via manual input within a home (as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

said at least one processor is operable to communicate one or both of said key code and data representative of said key code to said third (3rd) party media provider (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10); and

in response to said communicated at least one of said key code associated with said media program and data representative of said key code, said at least one processor is operable to receives media content of said media program, said media content corresponding to said key code and said at least one media exchange function

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from at least said third (3rd) party media provider (Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not explicitly describe receiving a media file if authorized using one or both of said key code and data representative of said key code.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to

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requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

34. The limitations of Claim 22 are addressed in Claims 21 and 14.

35. The limitations of Claim 23 are addressed in Claims 21 and 15.

36. The limitations of Claim 24 are addressed in Claims 21 and 16.

37. The limitations of Claim 25 are addressed in Claims 21 and 17.

38. The limitations of Claim 26 are addressed in Claims 21 and 18.

39. The limitations of Claim 27 are addressed in Claims 21 and 19.

40. The limitations of Claim 28 are addressed in Claims 21 and 20.

41. In regards to Claim 29, The combination of Boylan and Garneau teach the system according to Claim 21, wherein said at least one processor is operable receive said key code generated by one or more of a remote control device, a keyboard, a scanning device and/or an audio processing device (Code Scanning Equipment 306 of Portable Device 150 as shown in Fig. 3 and described in Col. 8 Line 11—Col. 9 Line 37; with further reference to User Interface 212, as described in Col. 7 Lines 29-33).

42. In regards to Claim 30, The combination of Boylan and Garneau teach the system according to Claim 21, wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor (Remote Site 110 functions as a media management system processor, as described in Col. 5 Line 50—Col. 6 Line 33).

Conclusion

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Tuesday, September 29, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427